



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,659	09/25/2003	Ho Dai Truong	SP047.C9	5208

26111 7590 04/01/2004

STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

LAM, TUAN THIEU

ART UNIT	PAPER NUMBER
----------	--------------

2816

DATE MAILED: 04/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/669,659

Applicant(s)

TRUONG ET AL.

Examiner

Tuan T. Lam

Art Unit

2816

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/25/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 20-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Walters, Jr (USP 5,041,990), prior art cited in the PTOL-1449. Figure 1 shows a clock generator comprising input clock portion (12), first and second output clock signals ($\Phi 1$ and $\Phi 2$), first feedback path (24), second feedback path (26) for coupling said first and second output clock signals to the input portion, determining if first and second clock signals generated by said first and second clock outputs, respectively, have clock edges that are non-overlapping for a predetermined time T (figures 2a-2c), adding/removing one or more delay elements (figures 4b and 4d shows each delay element N2 and N6 comprises a plurality of delay elements) to said first and second feedback paths if said first and second clock signals do not have clock edges that are non-overlapping for said predetermined time T as called for in claims 20 and 25.

Regarding claims 21 and 26, adding a delay element to one of said first or second feedback paths comprises opening a first switch and closing a second switch along said first and second feedback (as shown in figures 4b and 4d shows each delay element N2 and N6 comprises a plurality of delay elements and switches (fuses)).

Regarding claims 22-24 and 27-29, the limitations are anticipated by the fuses used in figure 4.

Art Unit: 2816

3. Claims 20-21 and 25-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese patent (JP 2-124627), prior art cited in the PTOL-1449. Figure 1 shows a clock generator comprising input clock portion (1), first and second output clock signals (2 and 3), first feedback path (5), second feedback path (8) for coupling said first and second output clock signals to the input portion, determining if first and second clock signals generated by said first and second clock outputs, respectively, have clock edges that are non-overlapping for a predetermined time T (figure 2), adding/removing one or more delay elements (figure 3 shows each delay element 5 and 8 in the feedback paths comprises a plurality of delay elements 13-15) to said first and second feedback paths if said first and second clock signals do not have clock edges that are non-overlapping for said predetermined time T as called for in claims 20 and 25.

Regarding claims 21 and 26, adding a delay element to one of said first or second feedback paths comprises opening a first switch and closing a second switch along said first and second feedback (as shown in figures 3 shows each delay element 5 and 8 comprises a plurality of delay elements and switches (16, 17)).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 22-24 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese patent JP 2-124627 in view of Walters, Jr. (USP 5,041,738), both prior art cited in the PTOL-1449. Figure 1 shows a clock generator comprising input clock portion (1), first and

Art Unit: 2816

second output clock signals (2 and 3), first feedback path (5), second feedback path (8) for coupling said first and second output clock signals to the input portion, determining if first and second clock signals generated by said first and second clock outputs, respectively, have clock edges that are non-overlapping for a predetermined time T (figure 2), adding/removing one or more delay elements (figure 3 shows each delay element 5 and 8 in the feedback paths comprises a plurality of delay elements 13-15) to said first and second feedback paths if said first and second clock signals do not have clock edges that are non-overlapping for said predetermined time T. The difference between JP 2-124627 and the present invention is that the JP reference uses electrical switches (16, 17), i.e., transistors instead of fuses as called for in claims 22-24 and 27-29. Walters, Jr. uses fuses for controlling non-overlapping time instead of using transistor switches. Using fuses is cheaper and allow the non-overlapping time be adjusted after fabrication. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to replace JP 2-124627's transistor switches with fuses because fuses are cheap and it would allow the non-overlapping time be adjusted after fabrication.

Conclusion

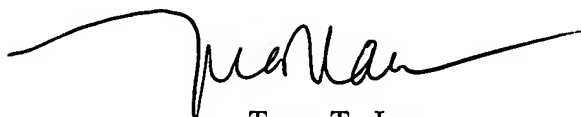
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In this regard, applicant's cited prior art has been carefully considered.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan T. Lam whose telephone number is 571-272-1744. The examiner can normally be reached on Monday to Friday (7:30 am to 6:00pm).

Art Unit: 2816

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TIMOTHY P CALLAHAN can be reached on 571-272-1740. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Tuan T. Lam', with a long horizontal flourish extending to the right.

Tuan T. Lam
Primary Examiner
Art Unit 2816

3/26/2004